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The right and the capacity to make decisions, to adjudicate, to govern and even to kill and punish has historically been distributed between a range of authorities and institutions (Hansen 2005: 191).

States claim sovereignty over a recognised territory. For a populated territory, they promote themselves as the prime source of identity; insist that they are the supreme decision making organisation; and assure that they are the security guarantor. And unlike any other organisations, the state 'successfully claims the monopoly of the legitimate use of physical force' within that territory (Weber 1919). Hence the state, and in particular the government, must be responsible for defining the conditions for the legitimate use of force. It can, of course, delegate certain tasks requiring the use of force to other bodies, such as law enforcement to the state police; but what is deemed illegitimate violence, it seeks to prohibit or punish.

If the monopoly of the use of violence and the legitimacy to exercise it within society are such distinguishing marks of sovereignty, then evaluating policing in African states becomes a ready method of evaluating the degree of state sovereignty.

Multi-choice policing

For more than half a century there have been vain efforts to establish Western models of policing in Africa. That this system has not successfully taken root could be the result of many factors, including under-funding that itself has a political motive (Hills 2000); the product of endemic corruption amongst those who are associated with the state and possess the means of coercion (Bayart et al. 1999); the colonial origins of the police and decades of military rule that together produced militarised police forces that acted as instruments of oppression on behalf of the government (Chukwuma 2001: 127); low state legitimacy; and widespread armed conflicts.

Whatever the exact causes, state policing in Africa is poorly resourced, trained and equipped. It is also often ineffective and sometimes blatantly corrupt and violent (UNDOC 2005, Amnesty International 2002, Adu-Mireku 2002, Shaw 2002). Irrespective of issues of police culture, their very numbers make them insufficient for the task. Though the West typically has more than 3 police officers per thousand population, Sierra Leone, with only 8,000 state police (that is 6,000 operational police) for its 6 million population, has 1 per thousand. Uganda, with a population of 27 million but only 13,000 state police, has 0.5 per thousand. In other words, the police are in effect absent from the scene as far as many Africans are concerned.

This inability of the police by themselves to provide security within the country has created a security vacuum. As a result, an array of policing agencies has arisen to fill the gaps. Though the state police in Africa are particularly weak, they are not unique and a fragmentation of policing has been observed worldwide. In the 1980s and 90s the research focus was on the expanding role of commercial policing. But Bayley and Shearing (2001) noted that fragmentation was a much wider phenomenon than the entry of business into the security sector. It involved the (re)entry of

citizens into policing functions. They recorded that nongovernmental groups were assuming responsibility for their own protection, whilst on the other hand a variety of nongovernmental agencies had undertaken to provide security services. Others observed that the boundaries between state and non-state institutions (that is, commercial, NGO, and informal security) were not just 'blurred', but had been transformed by new co-operative networks (Loader 2000, Newburn 2001, Kempa et al. 1999). Some have assumed the state government to be the primary node in this network. However, Johnston and Shearing (2003) are reluctant to concede any conceptual priority to the state in any security network. Nor do they want to rule out non-traditional policing mentalities, such as problem solving, risk management and remedial/restorative approaches operated through alternative institutions of the state, business or voluntary bodies. The attraction of their 'security governance' paradigm, which they define as 'the application of any means that will promote safe and secure places in which people live and work' (2003: 71) is that it eschews preconceptions of policing and insists that only empirical research can establish the exact nature of security governance network in any given area and the relationships of the various nodes.

My own preference is to consider security from the point of view of the experience of the citizen rather than from a governance perspective. Individuals and groups are in a unique position to depict and analyse their own experience of policing. Starting from this perspective, the fluidity of policing becomes very apparent, for people are rarely users of either private or public policing, as if these were mutually exclusive categories. Policing, as it is experienced, is not just about diversity and privatisation; it is a complex pattern of overlapping policing agencies, with citizens 'shopping around' for their security needs.

Urban citizens in Africa are faced with a choice in many situations as to what policing body they look to for protection and/or response to crime and disorder. In their daily lives they may move from the sphere of one policing agency, to which they would naturally look for protection, to another, or be faced at times with a choice of agency to be made in terms of personal experience, preference for mentality (surveillance or punishment), cost or legitimacy. They may choose the extended family to protect the home, but it may be the youth that breaks up the fight at the bar, the town headman that settles a debt dispute, the vendors' committee that mediates a settlement over theft in the market from a fellow trader, the Taxi Drivers Union marshal that handles dangerous driving, the commercial security guard that secures the entrance to the city bank, the groups formed by community policing programmes that investigate drug 'dens', the military unit that tackles organised crime, and the state police that are called to a murder. Policing, as it is experienced in Sierra Leonean and Ugandan urban areas, as elsewhere, is provided by a surprising number of policing agencies offering localised protection of different levels of legality, effectiveness, availability, methods and services. These agencies provide what I term multi-choice policing (Baker 2004a, 2004c, 2005a, 2005b).

Though the phenomenon of police fragmentation is now universally acknowledged, three points should be made as to what it does not mean. First, the choice available in policing is not simply one between accountable public policing and minimally accountable private policing. For Africans their choices, in as much as they have them, are based on 'what is available', 'what works best' and 'what can I afford', more than issues of who controls the policing body and to whom they are accountable. Indeed, familiar security terminology becomes problematic as popular understanding gives different shades of meaning or different applications. Thus 'public' and 'private' do not exist as straightforward terms in popular experience. Public policing in Africa not only fails to serve all equally (Clapham 1999), but neither is it free. To secure the interest, investigation and prosecution of a criminal case may necessitate people offering payment to the state police. And yet, 'public' and 'private' may well mean something in terms of the law and

communal values being enforced and the methods of enforcement, despite the evident contradictions and confusions in their formal relationships.

Second, having a choice regarding policing in Africa is not new, as if the failure of the state police is the cause of the emergence of non-state policing. In fact it predated state policing and was never totally displaced by it (Waller 1999, Turner 1955, Killingray 1986, Ahire 1991, and note Hansen's quote at the beginning of the article concerning India) because the two were not policing the same order (Buur 2003). The police are agents of a state that for many is following alien values concerning how crime is defined (e.g. does it include witchcraft, adultery, teenage pregnancy, disrespect to parents and 'unwarranted' evictions?) and how it is punished (e.g. does it include corporal punishment?). Even if the police had been effective in their role, there would still have arisen policing of alternative orders (Nina and Scharf 2001). 'In any given society', as Pospisil puts it, 'there will be as many legal systems as there are functioning social units' (Pospisil 1971: 24). It has been, therefore, a profound dissatisfaction with the state police official remit, as well as police effectiveness, that has encouraged others in Africa to authorise and provide policing.

The third area of clarification that is needed concerns autonomy. Policing other than that provided by the state police is not necessarily policing that is totally autonomous. Police fragmentation does not always represent that form of diversification that creates policing 'away from' and 'beyond' the state as many have assumed (e.g. Bayley and Shearing 2001, Loader 2000: 328). For those policing agencies operating in African cities other than the state police, there are degrees of escape from the state's gravitational pull. For this reason the paper does not follow a straightforward state, non-state, divide. Rather it recognises that there are different levels at which the state may shape and influence policing agencies other than the state police.

Sponsorship, regulation/criminalisation, networking/exclusion, incorporation and training, are all techniques by which the state may maintain a level of control over ostensibly 'non-state' policing, and seek to uphold its sovereignty.

The socio-political context

This paper focuses on the urban areas of Sierra Leone and Uganda, based on field work in those two countries in 2004 and 2005.¹ The two are compared since both faced disruption by violent civil war that severely disrupted state policing and potentially left the opportunity for non-state policing to arise. In the case of Sierra Leone, the incompetent and corrupt one-party rule was challenged in 1991 by a rebellion led by The Revolutionary United Front (RUF), which was only finally defeated in late 2001 (for a recent analysis of the war see Richards 2003). The Ugandan civil war, 1981-86, saw the rebel National Resistance Army (NRA), led by Yoweri Museveni, oust the violent and self-regarding Obote regime. Both countries were left with disrupted social order, a decimated depleted state police force (900 officers were killed in Sierra Leone) and a dismantled (Uganda) or depleted (Sierra Leone) customary system. Their new liberal, elected regimes have, therefore, had to rebuild their internal security in the aftermath of these crises. Both countries have seen policing profoundly altered. In places elements of the old order have been transformed; elsewhere a new order has been created.

Though both Uganda and Sierra Leone saw a reduction in police numbers and resources, their responses have not been identical. Even before Uganda's war had ended, communities in territory 'liberated' by Museveni's rebel movement were being given responsibility for local security and law and order. The progressive introduction of what have become known as Local Council level one (LC1) during the progress of the civil war ensured that no vacuum was left as the old discredited order of appointed local chiefs with their judicial powers was swept away (Oloka-

Onyango 1989). The effect of this speedy introduction of local democracy forestalled an initial security power vacuum (cf. Schärf 2003: 14).

In Sierra Leone the pattern was very different. The customary courts and policing had never been very strong in Freetown, but in the other towns where they had been significant, they have failed to recover their former authority, and there has been no Ugandan style local council security provision. There has been, therefore, something of a time gap between the discrediting and dismantling of old forms of social control and policing, and the introduction of new state-approved substitutes, whether local council structures or a strengthened state police presence. This law-enforcement vacuum, which never arose in Uganda, has frequently been filled in Sierra Leone by policing authorised and provided by the youth. The vacuum also probably explains the greater prevalence of youth dominated mob justice in Sierra Leonean cities compared with Ugandan cities. With a popular and accessible law and order provision, there is less space in Uganda for either youth policing agencies or mob rule to emerge.

Another major difference in the two countries, is that, in the case of Uganda, the new regime is that of the successful rebels, whereas in Sierra Leone it is that of the successful existing state. In other words, the ruling elite on the one hand has a military past; the other has a civilian past. This in part accounts for the predilection of Uganda to use military units for policing purposes. There is also the contrast that one had socialist aspirations, the other capitalist/liberal ones. These differences in history and regime background go some way to explaining the differences in policing in the two countries.

The urban focus of the paper reflects the fact that across Africa, cities stand out as having the highest crime rates (UNODC 2005). Part of the explanation must lie in the very nature of cities as bodies of shared public space amongst unequal citizens. Poverty and wealth are brought together in close proximity, both in trade and in housing, and yet in a space where a governing authority is minimal and poorly managed. The availability of portable goods of value also creates enormous attractions, vulnerabilities and opportunities. Africa may be far less urbanised than other continents, but urbanisation levels are still 40 per cent in Sierra Leone, though just 14 per cent in Uganda. Urbanisation in both is more than 5 per cent per year with the capitals Freetown (current population about 800,000) and Kampala (current population about 1.2 million) accounting for most of the growth. The urban growth of both countries in the last 30 years has been the result of the growth of existing urban populations and migration to urban centres of people, either pushed by the civil conflicts and pulled by prospects of alleviating their poverty.

Inevitably the urban areas of the two countries are experiencing widespread development of illegal occupation on sites unplanned, overcrowded and inadequately serviced. They are also unsafe. 25 per cent of the public in Sierra Leone, according to a police urban crime survey, do not feel safe (Sierra Leone Police 2004). The poor of the informal settlements are more the victimised than the perpetrators of crimes. But while the poor are more exposed to crime in areas in which they live, they are less policed by the state police and are far less able to afford protection from physical security measures such as walls, burglar proofing and electronic alarms (Louw, Shaw, Camerer, and Robertshaw 1998). The high crime rates in informal settlements are as much a reflection of their inability to defend themselves as of any predisposition to crime. It is in this context that this paper looks at the policing agencies that people have turned to for protection from crime and investigation of crime.

The research found that the state had a variable relationship with policing agencies other than its own police. Some agencies it initiated, supported and regulated. Others, though initiated by commercial and communal groups, nevertheless had the state's approval and facilitation. Only a relatively small group achieved policing beyond the state, meaning they were neither initiated, approved nor controlled by the state. This spectrum of escape from the state is reflected in the

structure of the remainder of the paper, as being pertinent to the question of sovereignty as not only plural but uneven in intensity. The security sector, it appears, reveals the state not only as having lost its monopoly of the use of legitimate violence, but having lost it to variable degrees to other policing agencies. It would be ironic if at the same time as the new democracies were proclaiming a popular consensus to their rule, that consent was being given to other authorities within the same territory to exercise the right to set rules, to adjudicate, to control, and to punish.

Policing agencies initiated and regulated by the state

It is not just the state police that provide policing agencies initiated and regulated by the state. In Sierra Leone and Uganda the military, the ministry of tourism and the ministry of mines, quite apart from local authorities, also play a role in authorising policing. They form a complex network of policing beyond the state police, but not beyond the state. Some examples are given below.

Community policing panels

Given the limitations of size, resources and skills of state police forces across Africa, governments have had to consider how citizens can be mobilised in an acceptable way to play a role in keeping law and order and in implementing anti-crime strategies. There is considerable potential in mobilising communal self-interest to join in the effort, even if the strategy will inevitably see the emergence of some undesirable elements. The police forces of both Sierra Leone and Uganda have embraced community based policing and, as a result, have encouraged the formation of local associations of citizens to be active partners with them in crime prevention and detection. In Sierra Leone these are known as Local Policing Partnership Boards and in Uganda as Crime Prevention Panels. Both are in their early stages of development and are, at present, a largely urban phenomena.

Sierra Leone's Partnership Boards are chaired by civilians and include representatives of the significant groups and interests in the urban district. In the towns of Makeni, Bo and Koidu there have been complaints that the Partnership Boards are neither meeting regularly nor effective. However, one Freetown Partnership Board has already provided information in its first year that has led to the arrest of eight criminals and the seizure of their weapons; and it has begun to map illegal drug centres with a view to the police using the information to make arrests and to knock down the premises.² The original intention was that these boards should give local communities 'a voice in how they want to be policed'. In practice, the police prefer to retain control of operational decisions and to confine the boards to intelligence providers. Thus at a board meeting in February 2005, to draw up the Community Action Plan, members found a printed copy being handed out to them by the police for confirmation only.

The Uganda police community policing programme has had a slightly different emphasis. It has focused on education in the law and on crime prevention. The Crime Prevention Panels consist of local residents that are trained in crime prevention. The aim is not only to empower people about crime prevention and the requirements of the law, but also that citizens will accept responsibility themselves for law and order in their locality. In one poorer district of Kampala, the Katwe Crime Prevention Panel has had 30,000 trained as 'crime preventers'. In another district, the Kawempe Crime Prevention Panel singled out distinct employment groups and brought them together in associations.³ They included milk sellers, timber merchants, motorcycle taxis, disco and video halls, teachers, probation officers, special hire companies, bars and brothels, and religious

leaders. In the process of meeting with these groups, patterns of crime that particularly affected each one were identified and complaints by the public about any member's activities were directed to these associations. In time, as they began to see their role in policing their own members and community, association members volunteered to attend the crime preventers course. Being empowered in terms of knowing what the law required, the local panels have reported cases of unlawful activity (including police officers demanding bribes) and made recommendations for curbing crime. The exact nature of how they go about policing their own members is, however, unknown, though the state police seem happy that it is off their hands and crime preventers prefer to have some independent space.

Local council security structures

In Sierra Leone, local council structures are only just being established and their authority on the ground is still contested and confused because of the continuing presence of native authorities with their own courts and police that deal with civil cases. But in Uganda, where customary authority was scrapped after the civil war, the local councils at the lowest level (urban zone and village; known as Local Council 1 or simply LC1) play a key role in security. All adults in Uganda automatically become members of their LC1 and directly elect a nine-person committee to administer local affairs. Amongst other things, LC1s have responsibility for the mobilisation of the local community in law and order matters; the gathering of criminal data; the establishment of byelaws that reflect local needs; LC Courts; and, until recently, law enforcement through the LC funded local administrative police.

The LC1s are well respected for their contribution to ordering social life in Uganda. People look first and foremost to the LC1 for protection from disorder and crime, often in terms of night patrols, although these are sometimes only activated during periods of insecurity and some question their effectiveness. When asked, 'how has the LC made life better', 35 per cent mentioned 'peace and security'. Likewise, as to where people go to solve a problem, 85 per cent said the LC alone or first; and they turn first to the LC1 in cases of breaches of law and order (Wunsch and Ottemoeller 2004: 188). The LC courts are popular because they offer accessible justice in their own language, from a body that respects local traditions and is in turn respected, since leaders have been chosen that are known, experienced and stand for the new post-war values (Barya and Oloka-Onyango 1994).

Though there have been some cases of LC1s acting illegally or corruptly (Kanyehimba 2002: 262), more often the problems relate to an ignorance of the law (e.g. understanding that 'marriage' to and sex with an under 18 year old is 'defilement'; or understanding that begging can be classified as the offence of 'idleness'). This partly explains many of the times when LC courts have exceeded their authority by hearing criminal cases or handing out sentences that are beyond their powers, such as corporal punishment and banishment from the locality. Yet for the most part they provide a popular and effective local policing, as the following two examples of high density zones in Kampala illustrate.

Luziga Zone has a diverse ethnic population many of whom are refugees from Rwanda and Congo. Despite this heterogeneous and transient composition, it has an effective LC1, which itself is multi-ethnic. To tackle crime the LC1 instigated a patrol that arrested pickpockets and others and took them to the LC1 court or Uganda police. The LC1 court meets up to twice a week, if there are cases to deal with. It handles domestic violence, fighting and illegal structures. Because they deal with these issues fairly and speedily, their occurrence has reportedly declined

and allegedly there have been no incidents of mob justice 'in the last few years'.⁴ Indeed inhabitants report that the whole zone is very safe and getting safer as a result of the LC1. Mbiro Zone adjoins Luziga Zone and is similarly diverse ethnically. Residents report that before the war there was a high crime rate. Since then, however, it is claimed that crime has been greatly reduced and mob justice eradicated. This is attributed largely to the work of the LC1, although it does not operate a night patrol. 'We have power. As people together we fight the crime' said the committee. As with Luziga, the LC1 court often has no case to try for months on end. Typical cases include domestic violence, theft, simple assaults, land issues and disputes between landlords and tenants. They readily admit that when the court began they were not fully aware of which cases came within their remit and which were the duties of the Uganda police. But following police training they now feel confident about what their legal powers are.⁵ Though state initiated and regulated, it is evident that they are regarded by local people as institutions under their own control, rather than that of the state. They are indeed a replacement for the abolished local chief system, a manifestation of local democracy. Hence those that run the LC patrols and courts are willing at times to deviate from rules set by a distant state.

Military anti-crime units

It is not only the public that have doubts about the efficiency of the state police forces. Even governments sometimes do not trust them to handle serious crime. As a result there has been the emergence across Africa of military (and para-military) units to address serious crime matters. In Sierra Leone there is not, strictly speaking, a military unit, but the armed wing of the police, the Operational Support Division (OSD), comes very close to this at times. In Uganda, however, the use of the military to 'fight crime' is overt. For instance, the government response to armed robbery on an organised scale in Kampala was the creation of Operation Wembley, later known as the Violent Crime Crack Unit (VCCU), under the Internal Security Organisation (ISO), which itself is part of the Chieftaincy of Military Intelligence. With its recruitment of informers, Operation Wembley was very successful in breaking up the criminal gangs or driving them out of the country. Yet the cost was a loss of accountability and inevitably, accusations that criminal elements had corrupted police personnel. Further, the military style 'shoot to kill' policy against armed robbers and use of military courts to try suspects clearly weakens judicial procedures. Most people are indeed glad that organised crime has been driven from Kampala. However, some traders criticise the VCCU for arrogance, seizing goods with no evidence and 'framing' people. There are also question marks over the increasing involvement of the VCCU and ISO in investigating what might be termed 'ordinary' crime in Uganda. For instance, ISO has exposed 'ghost' payments by the Ministry of Finance for procurements and 'ghost' schools that took government money. The ISO Director-General said, upon unearthing 20 'ghost schools': 'anyone who subverts or aids and abets subversion of delivery of quality education to our people is a legitimate security target and we shall move on them with the vigour we moved with on the thugs'.⁶ In other words, ISO has developed an investigative capability against serious crimes and fraud that in a civilian government is normally a role for police CID. These military units are state initiated but state controlled only in the sense that the President and his close military advisers are in control of them and that is not always with parliamentary scrutiny or within parliamentary legislation.

Community policing panels, local council security structures and anti-crime military units (and elsewhere, tourist police and mine monitors) may operate outside of full state police control and with varying degrees of co-operation with the state police, but they do not operate outside the

state. They are authorised by the state and controlled by the state in its drive to supplement its limited police force.

Policing agencies approved by the state but initiated by others

There are other policing agencies in the urban areas of Uganda and Sierra Leone, which, though not authorised by the state, have the state's approval. These have been authorised by formal and informal commercial interests. Tolerance, however, does not necessarily mean that there is co-operation between these policing agencies and the state police.

Market traders

All town markets in Sierra Leone and Uganda have a vendors' association run by an elected committee that is recognised by the city council. They act to control the conduct of vendors and customers. They fine anti-social behaviour, such as smoking cannabis, spitting and abusive language, whilst in the case of more serious matters such as fighting and debt, they seek to mediate a settlement between the parties. If that is unsuccessful it may lead to the suspension of the trader for weeks or months in addition to a fine. As regards pick pocketing and petty theft by visitors to the markets, this is dealt with in the time-honoured manner of shout and chase; and if a thief is caught by the traders he is usually beaten on the spot.⁷

In both countries, most vendors have a low estimation of the state police. In fact their absence from the markets is seen as an advantage. At Kiseka market in Kampala they claimed: 'police don't come at all' and they saw them as corrupt and unwilling to help unless bribed. Similarly, one chairlady of a large Freetown market, 'abhorred' their presence: 'If they come here it is because they want money'. Most vendors regarded going to the police as 'a waste of time'. In the case of Freetown vendors, they criticise the police 'because they will not act, they refer incidents back to the market committee for adjudication, or they release the thieves straightaway' (a sign to many of collusion). A market women's leader said: 'Discipline is done by the market women [rather than the police] because we know their problems and know native customary law'. Whilst the market vendors association of the biggest market in Kampala claimed they 'rarely' called the police for they could handle all but the most serious disputes and disorder without them.⁸ Traders, therefore, saw their market association as the only source of protection from crime and punishment of crime.

Drivers

Given that taxis (mini-buses) are the principal means of public transport in the towns of Uganda and Sierra Leone, they have considerable leverage on local politics. They have used this to establish themselves as a managing and policing authority of taxis. The Motor Drivers and General Transport Workers Union of Sierra Leone, with a membership of about 5,000, claim to control many of the commercial vehicle and mini-bus parking areas in the main towns. Users have to pay a service fee to them. They undertake a variety of activities. In Freetown they check owners particulars, including driving licence and insurance and use car park attendants to oversee loading and protect passengers. In Makeni they respond seriously to dangerous driving: 'we give them lashes'. In Bo they claimed responsibility for all vehicles in the town and took traffic offenders to the police. Another association, The Bo Bike Rental Association, runs motorbike transport in Bo, enforcing rules concerning speeding, reckless driving, carrying more than one

passenger and carrying a woman with child. In addition it has a Task Force, which conducts night patrols and investigates and resolves disputes.⁹

The forum for taxi drivers and owners in Uganda is the Uganda Taxi Operators and Drivers Association. It has 60,000 members (30,000 in Kampala) with 10,000 taxis. There had been a history of conflict between drivers and the police, especially over roadblocks where police demanded money. This, however, has now been replaced with a good working relationship with the police and a definition of respective roles. The drivers now have a contract with the Kampala City Council to run the taxi parks and have 100 traffic wardens who work with the Uganda police in enforcing traffic regulations by taxi drivers and in directing traffic in rush-hour congestion. In addition a Law Enforcement Department, trained by the police and LC, arrests thieves and other criminals operating in the taxi park.¹⁰

Formal security companies

Private security may have legal recognition and official approval, but many police officers regard them as rivals and/or in collusion with criminal elements. There are more than 80 commercial security companies in Uganda and 30 in Sierra Leone, though perhaps half are companies only in name. Their principal work is to provide guards to commercial properties, international organisations and embassies, non-government organisations (NGOs) and wealthier residential customers. In both countries it is a recent and largely urban phenomenon. Their guard numbers are not inconsiderable. The three largest companies in Sierra Leone employ something like 3,400 guards, whilst the two largest in Uganda employ 2,000 guards.

At the start of Sierra Leone's civil war there were only two companies operating. Since the war, however, there has been a rapid expansion, due to the prevailing sense of increasing crime, the weakness of the Sierra Leone police and the presence of many international NGOs requiring security for their staff. Their rapid growth in Uganda since 1992 has been associated not just with rising crime, but with the strategic withdrawal of the police from guarding.

Though licences are required in Sierra Leone for commercial security companies, there is no effective inspection and no licence has ever been withdrawn. In Uganda, on the other hand, companies are licensed and actively supervised by the police. Operating licences have to be renewed each year and are subject to satisfactory inspection by the police of the company, including its armoury and the suitability of its guards. Some firms have had their operational licences withdrawn, and there have been problems with security guards aiding criminal activity. Co-operation with the state police is patchy. Some joint operations with the Uganda police have been undertaken (e.g. following a tip-off of armed robbery being imminent) and some firms exchange information with the police.¹¹

Though weapons can be carried by commercial security companies in Uganda, this is not allowed in Sierra Leone because of the UN arms embargo. The loophole is for commercial security to arrange to work alongside the armed wing of the police known as the Operational Support Division (OSD). Mixed security teams of unarmed commercial guards and armed OSD protect diamond mines, banks, some diplomatic missions and act as rapid response teams. In these cases the security companies pay a premium to the individual OSD officers above the standard wages (Abrahamsen and Williams 2005: 8). The irony does not go unnoticed that government revenue is spent sending Sierra Leone police personnel to guard commercial rather than citizen interests. The largest security companies in both countries provide guard training, but few of the smaller companies. Training in the case of Sierra Leone even covers human rights at the request of the UN for its own contracts. Human rights, however, are not normally a commercial priority in

either country. As one Sierra Leone operations manager of a large security firm insisted, human rights should only be considered after the suspect has been 'made' to tell the truth!

Recruitment policy is problematic in both countries because of the attraction of military trained personnel to the industry. In Uganda some companies took recruits only from the army, police and prison service (it meant training was not necessary); others preferred to recruit from inexperienced candidates ('since the police are corrupt'). In Sierra Leone most employ ex-soldiers or retired police, with screening of recruits for criminal records by the CID. Screening, however, does not cover rebel background, for which there has been national forgiveness. Hence some companies are unwittingly employing ex-rebels - a situation which they consider unsatisfactory.¹²

Since the state police has largely vacated commercial enterprises, it is these alternative informal and formal policing agencies that are the first line of defence for business owners. The commercial policing agencies may well be approved by the state, but they are scarcely regulated by the law or overseen by the state and only occasionally do they work with the state police.

Policing agencies unauthorised and unregulated by the state

Despite the claims of the state to be the sole regulator if not authoriser and provider of security, there is still policing in Uganda and Sierra Leone's cities that is truly beyond the state. In other words, it is unauthorised, unregulated, uncontrolled and ultimately illegal, though it may well have a measure of popular legitimacy.

Mob justice

Common to both countries is mob justice, when enraged crowds of local people (mainly, though not exclusively, young males) attack people accused of crimes such as murder, theft, personal injury, defilement and witchcraft. They may strip the suspect and parade them through the streets; beat them; or even kill them with machetes or by burning them alive. The motivation is often suspicion that the state police will not attend to the crime or will quickly release the suspects. Or the motive may be more prosaic. As one local town councillor in Sierra Leone reported: 'Where I live we give thieves a good hiding; we don't take them to the police for we won't get the exhibit [the stolen property] back.'

Mob justice is frequently viewed as spontaneous and therefore not strictly the organised activity of policing, but in fact it is often led and organised by an aggrieved person. The BBC's Andrew Harding, caught up in a 'lynch mob' in the northern Uganda town of Lira seeking revenge against Acholis for an LRA massacre, noted that there was a clear ringleader, a woman:

I watched an elegant lady in a beautiful green and yellow dress go to hut after hut, directing the violence. 'Smash this bicycle', she ordered a group of teenaged boys. 'Here, let's throw all this inside that hut. Now stand back - I'm going to set fire to it. OK. Let's go this way' (BBC, broadcast, 28 February, 2004).¹³

As regards Uganda at least, the consistent testimony of LCs, the Uganda police and the public was that though it was still frequent, it was on the decrease, sometimes quite dramatically. One senior police officer said that when he took up his post in 2003, 'mob justice was an almost daily occurrence'. When interviewed he believed it had been markedly reduced through the active pursuit of the culprits and sensitisation of the public in the places where it had occurred.¹⁴ In Sierra Leone there does not seem to have been the same decline. The absence of an effective local security system like the Uganda LCs appears to explain its greater prevalence. Present

reports suggest that beating or even the killing of criminals is widespread. That 'on multiple occasions, police did not intervene while crowds beat alleged thieves' (US Department of State 2005) might suggest that it was deemed too dangerous to intervene; on the other hand it might equally suggest that it is widely accepted as legitimate. One Sierra Leonean claimed: 'In places where justice is sold to the highest bidder, people have no choice but resort to mob justice. As sad as that is, it is unfortunately the only way many Africans get the justice they deserve' (<http://newsvote.bbc.co.uk>).

Youth groups

Where local government is providing effective security, as Uganda, youth energies are channelled through these. But in Sierra Leone a different pattern has emerged. In the absence of the Sierra Leone police or of any local council security structures, plus the failure of customary structures to re-establish themselves after the war, there is a clear security gap. It is the youth that more often than not are filling it in towns and in the countryside.

Youth in Sierra Leone (as most of Africa) means, effectively, young males 15 to 35 years. Many are unemployed and this together with their history in the war as combatants makes people wary of them and quick to label them as criminals at worst or untrustworthy at best. This may be so in some cases, but it is quite contrary to how many youth perceive themselves. Many are quick to assert that they have renounced violence, and on the contrary, now see themselves as the guardians of security: 'Security is in our hands'.¹⁵

There is certainly some evidence in poor townships that this is not an idle boast. In the town of Yengema, in Kono, the youth stay alert at night to prevent theft and respond to fights. They even claimed that they had brought drug dealing to a halt: 'We harass anybody who brings drug ... we arrest them, destroy drugs and give them a beating'. The town chief concurred that the area was 'depending on youths to take care of us at night', though he added that 'youths are not always reliable'.¹⁶ In the larger Kono town of Koidu, youth are more formally organised. The Movement of Concerned Kono Youth (MOCKY), which has 5,000 members, has acquired a reputation since the war of mobilising youth to violently resist alluvial diamond-miners who are not locally born, collaborating at times with local police units and the Civil Defence Force (CDF, an alliance of militias formed during the war; Reno 2004). They are also said to have held, along with the CDF, informal courts to settle disputes among local residents (US Department of State 2003). There is no evidence of this activity currently. Indeed, the police confirmed that MOCKY have 'much improved'.¹⁷ What MOCKY do claim, is to be an organisation that can promote the interests of the youth by 'resolving youth problems', 'settling small cases', advocating 'just mining', and promoting local development. With its concern for security it has been given a seat on the local police Partnership Board, though the MOCKY committee regards it as 'not very effective'.¹⁸ Youth groups have also taken responsibility for crime prevention and security provision in the poorer areas of Freetown. They take an active role in the Kissi police Partnership Board and elsewhere run the Firestone Cultural and Community Organisation which has held sensitisation programmes for drug users and prostitutes. In the port area of Krootown the Camp Divas Youth maintain a measure of order, especially among the youth. They claimed to fine cases of abusive language and fighting ('flogging' those who fail to pay the fine) and to take thieves to the police. A local tribal headman concurred that youth often intervened in street fights at night outside bars when the police failed to respond. Though he also acknowledged that they stoned a police station when a man they wanted was taken there.¹⁹ And outside a divisional headquarters I watched 40 youth demonstrating loudly for compensation for a cow they had 'arrested' wandering down the

main road. Inside the station the Local Unit Commander negotiated with the youth and the cow owner, until a financial settlement was reached and the crowd left in jubilation.

The wariness noted above by the older population regarding youth was also found in Makeni. A paramount chief living in the town feared that if they were given a role in security there would be a return to political militias and the youth would 'make a living out of it'.²⁰ And a local police commander felt that neighbourhood watch was not effective locally because the youth representatives on it were 'criminals'.²¹

Thus apart from the state and commercial interests, youth are also authorising and providing policing in the urban areas. Yet the youth group and the mob portray very different aspects of what can take place when young men take control of policing their locality.

Sovereign bodies

What does this evaluation of policing 'beyond the state' tell us about the degree of state sovereignty? Can it be said of either Sierra Leone or Uganda that the state has a monopoly of the use of violence and the legitimacy to exercise it within society? The research has revealed that the state of Sierra Leone has only partial and episodic sovereignty. Urban areas outside of the Central Business District and beyond public buildings see evidence of state police activity only rarely on a day to day basis. The markets, taxi parks, informal housing areas and almost everywhere at night are largely unprotected by the state police. The state's claim to the monopoly of the legitimate use of force rarely goes beyond the appearance of the occasional state police patrol. And that is only likely when there is a serious outbreak of violence, particularly when it threatens the state, as opposed to the inhabitants.

In the case of Uganda the sovereignty of the state can be said to be stronger and more extensive than that of Sierra Leone, but only in the sense that in its poorest urban areas there is an indirect and distant control - achieved by co-opting the descendants of the local resistance groups that emerged with a security role during the civil war. From the state's point of view, it is true, they control the Local Council structure which is such a strong policing force in the urban communities. Yet in the communities themselves these LCs are viewed as much more part of their own self-support system than as a state mechanism. Hence their proneness to exceed their legal authority and to follow local rather than state definitions of crime and permissible punishment.

To protect themselves from the dangers of a 'state of nature', urban dwellers in Sierra Leone and Uganda have, in effect, entered into not one social contract, but into a variety of social contracts with sovereign security providers. It is not that law, its enforcement, and protection from its breach, is not sought in the state. It is that it is not sought only in the state. It is not that there is an aversion to the state per se, rather it is a willingness to turn to providers of social order and the enforcement of socially accepted rules, wherever it is to be found. As Hansen and Stepputat observe: 'The state still exists, but merely as one of several possible dispensers of violence and coercion and one of several instruments of taxation and violence (Hansen and Stepputat 2005: 27). In both Uganda and Sierra Leone the ability and the will to make binding rules, to adjudicate, and to employ overwhelming violence as punishment, is not confined to the state. Other bodies acting as policing agencies both share this ability and enjoy a measure of local support in their exercise of it. In other words, sovereignty is not the sole possession of these two territorial states, but is fragmented within the two states.

If multiple sovereignty is thought to be a contradiction in terms, since there cannot be two supreme powers within the same territory, then we must talk of dispersed power nodes and the

absence of sovereignty. Whatever our choice of terminology, the picture emerging from the study of policing in Africa is that fragmented policing is securing (to different degrees of effectiveness) variable social orders within single state territories. Further, no single policing authority has, necessarily, exclusive control within a certain social space, but may compete and overlap with other authorities.

Yet this fragmented 'sovereignty' has no guaranteed permanence. It is contested and fragile.

Consent is given by the community for the effective protectors in a given area (spatial or moral), but there is no promise that the contract is permanent and irrevocable. The events of the civil wars demonstrate the willingness of certain parts of the population to withdraw support from the state and the customary authorities. Consent, grudging or willing, exists only as long as the authority can exert its power to set norms/values, threaten violence, detain, tax/fine, exile, and corporally punish/kill persons deemed to have broken those norms. Only so long as community policing agencies can repeat these sovereign practices will they maintain their authority.

Given this fragmented sovereignty, there seems little value in basing national security strategy on the basis that given a little more external aid the state police will shortly be able to provide universal protection single-handed. The reality is that the state is not going to be in a position to offer security, law and order and crime control for all its citizens without turning to other policing providers for help. The state will strengthen its sovereignty not by insisting on its security monopoly and by criminalizing other security providers. Instead it needs to focus on shaping their activity to accord with the vision of the government and the will of the people. In this area Uganda has been much more successful than Sierra Leone by devolving responsibility for crime prevention onto the LCs and away from the state police. Yet for both states further work is needed to regulate, co-ordinate, and activate all those willing to preserve law and order within the constitutional and legislative order established by the elected government. To concede that the state is not the only (or even primary) provider of crime control is a less ambitious definition of sovereignty, but is one that is at least sustainable.

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Zusammenfassung

Wenn man davon ausgeht, dass die Fähigkeit zur Anwendung oder Androhung von Gewalt innerhalb einer Gesellschaft ein herausragendes Merkmal für staatliche Souveränität ist, kann die Evaluierung von Bürgerwehren in afrikanischen Staaten eine gute Methode sein, um den Grad staatlicher Souveränität zu messen. Als Folge der Unfähigkeit der staatlichen Polizei, in den urbanen Zentren Ugandas und Sierra Leones ausreichend Schutz zu gewährleisten, sind unterschiedliche Bürgerwehren entstanden. Der vorliegende Aufsatz untersucht die Bandbreite an Optionen jenseits der staatlichen Polizei. Der Autor prüft, wer die unterschiedlichen Bürgerwehren autorisiert und einsetzt, wie effizient sie sind und wem gegenüber die jeweiligen Dienstleister rechenschaftspflichtig sind; zudem ermittelt er die Unterschiede zwischen Uganda und Sierra Leone. Er stellt fest, dass die Souveränität beider Staaten mit Sicherheit als schwach, wenn nicht als brüchig charakterisiert werden muss, wenn ihre Fähigkeit, innerhalb der territorialen Grenzen Recht und Gesetz zu schützen und Verbrechen zu kontrollieren, als Maßstab angelegt wird. Aus historischen Gründen seien allerdings die entstehenden Muster der Ausübung von Souveränität nicht identisch.

Schlüsselwörter

Uganda, Sierra Leone, Innere Sicherheit, Innere Souveränität, Gewaltmonopol, Sicherheitsorgane, Polizei, Private Sicherheitsdienste, Bildung von Institutionen

Résumé

Le monopole de la violence étant une caractéristique majeure de la souveraineté d'un Etat, l'évaluation de l'importance des groupes d'autodéfense dans les pays africains peut être une bonne méthode pour mesurer le degré de souveraineté des Etats. En raison de l'incapacité de la police d'Etat à assurer de manière suffisante la protection des biens et des personnes dans les zones

urbaines de l'Ouganda et du Sierra Leone, on y constate une diversification des groupes civils d'autodéfense. Cet article examine toute la gamme d'options existant au-delà de la police d'Etat. L'auteur soulève et répond aux questions suivantes: Qui autorise cette multitude de 'polices' et qui propose ce genre de services? Dans quelle mesure ces groupes de police privée sont-ils efficaces et dans quelle mesure eux-mêmes ou ceux qui les autorisent rendent-ils des comptes? Quelles sont les différences entre le Sierra Leone et l'Ouganda et pour quelles raisons y en-a-t'il? A l'échelle de la capacité de l'Etat à faire respecter la loi à l'intérieur de ses frontières, l'auteur constate que la souveraineté de l'Etat est faible voir fragmentée dans les deux pays. Cependant pour des raisons historiques, les deux types naissant de souveraineté ne sont pas identiques.

Mots clés

Ouganda, Sierra Leone, sécurité intérieure, souveraineté intérieure, monopole de l'usage de la force, organes chargés de la sécurité, police, assistance sociale privée, création d'institutions

Abstract

If the use of violence or the threat of it within society is such a distinguishing mark of sovereignty, then evaluating policing in African states becomes a ready method of evaluating the degree of state sovereignty. Faced with the inability of the state police to provide full security in the urban areas of Uganda and Sierra Leone, there has been a diversification of policing agencies. This paper will explore the range of options available beyond the state police. It examines who is authorising and delivering this multi-choice policing; how effective and accountable the different authorisers/providers of policing are; and what contrasts are there between Uganda and Sierra Leone and why? It finds that on the basis of the state ability to provide law and order and crime control within its territorial boundaries, sovereignty is certainly weak if not fragmented in the two countries. However, for historical reasons the two emerging patterns of sovereignty are not identical.

Keywords

Uganda, Sierra Leone, domestic security, internal sovereignty, monopoly on the use of force, security agencies, policing, institution building

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